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PART – I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

ADMINISTRATION OF JUSTICE DEPARTMENT

Notification

The 29th September, 2021

ONLINE TRANSFER POLICY OF CLERKS (FIELD) & PEONS (FIELD and HQ)

No. 10/76/2021-2JJ(1).—In Exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Haryana hereby makes the following Online Transfer Policy for the Clerks (Field) & Peons (Field and HQ) working in the Prosecution Department, Haryana:-

- 1. Vision:**— To ensure equitable distribution of Government employees at different locations in a fair and transparent manner and to maximize job satisfaction amongst employees and further to improve performance of the Department.
- 2. Application:**— This policy shall be applicable to the cadre of Clerks (Field) & Peons (Field and HQ) of Prosecution Department, Haryana, working on regular basis.

It is clarified that this policy shall be applicable to the cadre of Clerks posted in field i.e. in the O/o District Attorney situated at each District of Haryana State, Haryana Legal Cell, New Delhi and Haryana Legal Cell, District Court, Chandigarh (U.T.), being common cadre.

It is further clarified that this policy will be applied to Peons of field i.e. O/o District Attorney situated at each District of Haryana State, Haryana Legal Cell, New Delhi and Haryana Legal Cell, District Court, Chandigarh (U.T.) as well as Headquarter of Prosecution, Panchkula being common cadre.

- 3. Definition:**— In this Policy, unless there is anything repugnant in the subject or context;
 - (a) ‘Blocked Posts’** means vacancies of Clerks (Field) & Peons (Field and HQ) worked out by the department under clause 4(iv) of this policy.
 - (b) ‘Employees of Special Category’** means the blind employees or the differently abled employees or their child(ren) and spouse, women employees, women headed households, widows, widowers, couple case, employees suffering from Diseases of Debilitating Disorder;
 - (c) “Government”** means Additional Chief Secretary to Government of Haryana, Administration of Justice Department.

- (d) **‘Prescribed Tenure’** means the tenure of appointment for a period of five years, while calculating the tenure of an employee for the purpose of compulsory transfer under this policy, the date from which someone is working in a zone on 1st January of the calendar year of transfer or any other date fixed by Government shall be counted irrespective of the fact he has been appointed by temporary transfer or otherwise. However, an employee may participate voluntarily in the transfer drive subject to completion of minimum three years service in a zone;
- (e) **‘Qualifying date’** for the purpose of calculation of vacant post(s), merit points etc., shall be the 1st January of the calendar year of transfer or any other date fixed by Government for this purpose;
- (f) **‘Service’** means duty period and all kinds of leave including extraordinary leave availed by a Government employee during the prescribed tenure.
- (g) **‘Transfer’** means posting/appointment from one Zone to another on or before completion of prescribed tenure in a Zone;
- (h) **‘Vacant Post for transfer’** means-
- i. **Actual vacant post:** A post not occupied by any employee;
 - ii. **Deemed vacant post:** (a) A post presently occupied by an employee for a period of five years or more;
 - (b) A post on which an employee has been appointed by temporary transfer or due to non-availability of online transfer drive;
 - (c) A post occupied by an employee who has been adjudged eligible and allowed by the competent authority to participate in general transfer drive even if he has not completed the prescribed tenure in the zone where he is presently posted.
 - (d) A post held by employee who has completed minimum 03 years of service in a zone and opted for voluntary participation for the Online transfer drive.

Note 1.— Where there are *Blocked Posts* in a cadre the same shall be excluded from the number of *vacant posts for transfer and option of employees shall be sought only against available vacant posts after blocking of posts.*

Note 2.— The post against which an employee has been posted/transferred on compulsion of administrative reasons or litigational nature shall also not be included in the vacant posts for transfer.

Note 3.— The Directorate of the Prosecution Department, Haryana, Panchkula shall prepare the list of vacant posts for transfer and notify them for the benefit of stakeholders. Depending upon input from stakeholders, such list may be amended if required.
- (i) **‘Zone’**
- a) **For post of Clerks (Field),** means office of District Attorney situated at each District of Haryana State, Haryana Legal Cell, New Delhi and Haryana Legal Cell District Court Chandigarh (U.T.).
 - b) **For the post of Peons (Field & Headquarter),** means office of District Attorney situated at each District of Haryana State, Director of Prosecution (HQ), Haryana Legal Cell, New Delhi and Haryana Legal Cell District Court Chandigarh (U.T.).

It is further clarified that if any Clerks (Field) & Peons posted in the Sub Division level offices cannot opt for District Attorney office/Sub Division level offices at same district.

4. General Principles:

i. Time Schedule for online transfers:

- (a) General transfers online will be made once in a year or as decided by Government. However, transfer/posting necessitated by promotion, direct recruitment, posts needed to be filled up in administrative exigencies and public interest, can be made manually anytime by the Administrative Secretary.
- (b) The online process will be completed upto 31st March and transfer order shall be implemented after 31st March; or

Any other date fixed by the department for this purposes.

ii. Liable to be posted anywhere:

Employees are liable to be transferred under this Policy in any Zone or anywhere in the State, in public interest, on completion of prescribed tenure.

iii. Computerization of relevant service record of employees:

The Drawing and Disbursing Officer shall ensure that all employees enter their service record in HRMS. Every employee shall be responsible for the accuracy and regular updation of data in the Management Information System in respect of his credentials, otherwise the Department shall be at liberty to post him anywhere in the State.

iv. Rationalization and Blocking of posts: To avoid disproportionate concentration of employees at a particular station, the department should rationalize their sanctioned posts and also block actual vacant posts or deemed vacant posts to be kept vacant in the transfer drive. In the long run, however, the departments may increase/decrease the total number of sanctioned posts as per their assessment/requirement in consultation with Work Assessment Cell in the Administrative Reforms Department and Finance Department.**v.** The Directorate's posts of Clerks (Field) & Peons shall also be included in the Transfer Drive.**5. Merit Criteria for allotment of post:**

- (a) Merit for allotment of vacant post to an employee shall be based on the total composite score of points earned by the employee, out of 80 points as described below. The employee earned highest points shall be entitled to be transferred against a particular vacancy.
- (b) Age shall be the prime factor for deciding the claim of an employee against a vacancy since it shall have weight age of 58 points, out of total points.
- (c) A privilege of maximum 22 points can be availed by the employees of special categories as indicated below:

- (i) **Age:** The first set of merit points will be the Age of the Government employee concerned enumerated below:-

| Sr. No. | Major Factor | Sub-Factor | Max. Points | Criteria for calculation |
|---------|--|---|-------------|--|
| 1 | Age (Present date i.e. 1st January of the year of consideration minus date of birth) | Eldest person shall be given maximum points | 58 | Age in number of days + 365 (Maximum four decimal points only) |

- (ii) **Special Category:** The second set of merit points will come from the Special Category enumerated hereinafter:

| Sr. No. | Major Factor | Sub-Factor | Max. Points | Explanation |
|---------|-----------------------------------|---|-------------|---|
| | Gender | Female | 10 | 10 points shall be given to all female employees |
| | Special Category female employees | Widow/divorced/ separated/ unmarried female employee more than 40 years of age/wife of serving Military personnel/ Paramilitary personnel working outside the State | 10 | All female of this category shall be given 10 marks only. |
| | Special Category male employees | Widower who has not re-married and has one or more minor children and/or unmarried daughter(s) | 5 | Eligible widowers shall be given 5 points only. |
| | Differently abled persons | Vision | 20 | 40% to 60% disability = 10 Marks |
| | | Locomotors | 20 | Above 60% to 80% = 15 Marks |

| Sr. No. | Major Factor | Sub-Factor | Max. Points | Explanation |
|---------|---|---|-------------|--|
| | | Deaf & Dumb | 20 | Above 80 % = 20 Marks |
| | Diseases of “Debilitating Disorders” i.e. currently suffering from cancer; or having undergone by-pass heart surgery; or kidney transplant; or Currently undergoing dialysis. | Self | 10 | Valid medical certificate issued during last one year by AIIMS (including its branches in Haryana), PGI Rohtak, PGI, Khanpur Kalan, Kalpana Chawla Medical College, Karnal, PGI, Chandigarh, Medical College of Haryana Govt. or a Medical Board so constituted. |
| | Diseases of “Debilitating Disorders” | Spouse/unmarried Children | 10 | Valid certificate issued during last one year by AIIMS (including its branches in Haryana), PGI Rohtak, PGI, Khanpur Kalan, Kalpana Chawla Medical College, Karnal, PGI, Chandigarh, Medical College of Haryana Govt. or a Medical Board so constituted. |
| | Differently abled or mentally challenged children | Male/Female employee having mentally challenged or 100% differently abled child | 10 | Male/Female employees having mentally challenged or 100% differently abled children shall be provided maximum 10 points. |
| | Couple Case | Male/Female Spouse | 5 | Employee’s spouses working in any Department/Board/ Corporation under any State Government or Government of India. |

Note.— If husband and wife, both are working in any Department/Board/Corporation under any State Government or Government of India, the benefit of 5 points under category of couple case above can be claimed by only one of them for which he/she has to submit a declaration in this regard that the spouse has not taken the benefit of this category. This self declaration should be uploaded on the portal at the time of participating in the drive.

- (d) The employees who are 100% blind or having 80% or more locomotors disabilities involving both the legs shall be given their choices of posting against vacant posts only as per Clause 3(h) of this policy. However, if more than one employee of such category opted for same place posting, than the posting shall be allotted on the basis of merit points among employees of this category.

6. Procedure to be adopted:

- (i) Head of Department shall seek preferences for choice of station in a zone from the eligible employees for transfer. The transfer exercise shall be carried out only through approved web based application.
- (ii) The option once availed and confirmed by the employee shall be final and cannot be changed.

- (iii) An employee who is due for superannuation within one year or less than one year shall not be eligible to participate in the transfer drive unless he so desires.
- (iv) Merit criteria for allotment of station will be as per Para 5 above.
- (v) All transfers shall be implemented within seven days of their issuance. The DDO concerned shall not draw the salary of the employees who have not complied with the orders. However, in exceptional circumstances, the Government may extend time period for implementation of orders.
- (vi) The employee who falls under category of clause 5(d) shall be considered first for allotment of vacancy as per their choice and the female employees falling under any category shall be considered thereafter and the case of transfer of all other employees shall be considered as per merit points against available vacancy after allotment to above mentioned categories.
- (vii) A Committee headed by the Deputy Commissioner, Chief Medical Officer and District Attorney of concerned district where employee joined after his online transfer, may recommend deputation/temporary transfer or otherwise of an employee after the online transfer drive, on the basis of genuine and compelling reasons.

Within 15 days of issuance of orders, an employee aggrieved with the transfer process can represent to the said Committee after joining at the new place of posting, on a Grievance Redressal Forum to be provided for this purpose. The Committee will scrutinize such cases and send their recommendations through Director of Prosecution, Haryana (Head of Department) to the Government, which will be dealt under relaxation clause of the Transfer Policy or otherwise.

The case of employee posted at Chandigarh through online transfer drive, shall be considered by Committee headed by Deputy Commissioner, Panchkula.

- (viii) Online general transfer due to competition of prescribed tenure of five years shall be treated as transfer in public interest and in such case the joining time and composite transfer grant shall be admissible as per provision in Haryana Civil Services (Travelling Allowances) Rules, 2016/Government instructions.
- (ix) All Clerks (Field) & Peons, who have completed 5 years of service in any Zone shall be liable for compulsory transfer through online transfer drive. However, if they did not opt for any station/office, they shall be transfer to anywhere on vacant post by online portal.
- (x) Clerks (Field) & Peons, who has completed 3 years of service in a Zone shall be eligible for voluntary participation in online transfer drive. However, if he fail to opt any station/office after providing his consent for voluntary participation, he shall also be liable to be transferred to anywhere on a vacant post by online portal.
- (xi) All the Clerks (Field) & Peons shall be eligible to opt any number of stations/offices from the station/offices offered to him on online portal. If the Clerks (Field) & Peons could not be allotted opted station/office as per his merit, he shall be posted on un-opted station in anywhere category by the online portal. Hence, all the Clerks (Field) & Peons may ensure filling up of maximum preference of their choice of posting against all available choice of vacant posts as per vacancy list to avoid "anywhere in the state posting".
- (xii) Every Drawing & Disbursing Officer will be responsible for the accuracy and regular updation of data of Clerks (Field) & Peons in the Management Information System (MIS) on the web portal of the department or HRMS portal as the case may be, in respect of credentials of employees meant for online transfer and also shall be responsible for accuracy and regular updation of data of Clerks (Field) & Peons on HRMS.
- (xiii) No Clerks (Field) & Peons shall be posted in his home district as per policy dated 13.09.2001 issued by Govt. as amended from time to time. The Clerks (Field) & Peons working in their home district without any relaxation in Govt. instructions, will be compulsorily transferred online out of their home districts, notwithstanding their tenure of posting in such district.
- (xiv) Any Clerks (Field) & Peons may be transferred by Director of Prosecution, Haryana, Panchkula at any time manually, if a decision is taken to initiate any regular departmental inquiry or any criminal case is under inquiry, investigation or trial against such Clerks (Field) & Peons, so that such Clerks (Field) & Peons could not influence such inquiry etc. or to maintain discipline at that office.
- (xv) No change in the data of any Clerks (Field) & Peons shall be allowed, once the same is seized for conducting online transfer drive.
- (xvi) In case, employees are having equal merit points, then the employee senior in age shall be given preference over other for posting.

(xvii) If vacancies still remained unfilled in any court at district or sub divisions level or at any office due to non option by any employee or due to any other reason after completion of online transfer drive, the Director Prosecution, Haryana, Panchkula may transfer any employee manually against these vacancies, so that work of court/office may not suffer.

7. Bar against canvassing:

No employee shall canvass for his case except through a representation to the Head of Department or to higher authorities in Haryana, as per this policy. All other individual representations shall be treated as an attempt to bring extraneous influence on the due process. No relief can be sought except the one already sought as per Para 6 above.

8. Appointment by Promotion/Direct Recruitment etc.,:

- a) Employee taken in a cadre through direct recruitment/ promotion/repatriation or become surplus due to any reason, shall be posted in the zone of eligibility and availability of vacant posts by the Director of Prosecution, Haryana, Panchkula at anytime manually.
- b) The Director of Prosecution, Haryana being Head of the Department may shift/change headquarter of any Clerks (Field) & Peons, or give additional charge, manually at any time keeping in view of rule 8 (40) of Haryana Civil Services (General) Rules, 2016 and clause 4.6(1) of 'Haryana Law Department Manual to meet out the immediate requirement of administrative exigencies.
- c) Notwithstanding anything in this policy, Head of the Department may transfer or adjust any Clerks (Field) & Peons manually at any time for making compliance of directions issued by any Court.

9. Opportunity of option to certain categories:

After the transfer drive, the newly married or recently divorced or widow female employees shall be given preferred place of posting manually against vacancy upon request. However, they shall have to participate in the next transfer drive being married or divorced or widowed and at that time they shall be adjusted at any of their top three choices against available vacant posts. However, if the same choice of place of posting claimed by more than one female employee of this category then place of posting shall be allotted as per merit point.

Further, if more than three female employee comes under this category then top three choices may not be available. Therefore, female employees of this category may ensure filling up of maximum preference of their choice of posting against all available choices of vacant posts to avoid "anywhere in state posting".

- 10. Posting in remote areas:** Incentive for serving on the choice of anywhere in the State: If an employee opts for 'anywhere in the State' and is thereafter posted in an office in Morni Hills Area or Nuh District against a vacancy for which no employee has opted, he will be paid remuneration @ 10% of the Basic Pay +D.A. during the period of said posting provided this incentive shall not be admissible in case of transfer in home district Nuh and Panchkula. However, if no one opt 'Anywhere in State' or for remote areas as defined in this para and got posted by online portal against vacancy in remote area in "Anywhere" in the State category, then said employee shall also entitle for said benefit.
- 11. Clarification & Implementation:** In case of any doubt or difficulty in making out the true intention of the provisions of this policy, the Administrative Department in consultation with General Administration Department shall be the competent authority to clarify such doubt or to remove such difficulty by issuing a reasoned order to this effect and this order shall be treated as a part of this policy.
- 12. Power to relax:** Notwithstanding anything contained in the policy, the Administrative Secretary to Govt. of Haryana with the prior approval of the Chief Minister, Haryana, shall be competent to transfer an employee to any place in relaxation of any or all of the above provisions after recording reasons justifying such relaxation.
- 13.** No TA/DA will be given, if transfer is done on the request of the employee himself/herself by giving relaxation of the transfer policy and he/she is given a posting of his/her choice.
- 14. Out of Cadre Transfer:** Any employee, who is governed by this policy, can be transferred and posted in any Department/Board/Corporation of the State in public interest and administrative exigencies without his/her consent.

Chandigarh:
The 29th September, 2021.

RAJEEV ARORA,
Additional Chief Secretary to Government, Haryana,
Administration of Justice Department.